

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

28855

FILE: B-215112**DATE:** July 20, 1984**MATTER OF:** Jack Young Associates, Inc.**DIGEST:**

Protest that awardee will not perform in labor surplus area as promised in bid challenges affirmative responsibility determination which GAO will not consider, except in limited circumstances.

Jack Young Associates, Inc. (JYA), protests the award of a contract to Sebo Knitwear, Inc. (Sebo), by the Defense Personnel Support Center under invitation for bids No. DLA100-84-B-0413, a small business, labor surplus area (LSA) set-aside. We dismiss the protest.

JYA essentially alleges that Sebo was ineligible for an LSA preference in determining the low bidder because Sebo will not perform the required amount of work in an LSA. The solicitation provided for a preference where more than 50 percent of the costs of the work would be performed in an LSA. Sebo's bid stated that 65 percent of the costs of the work will be performed in an LSA.

The question of whether Sebo will perform the required amount of work in an LSA relates to the contracting agency's affirmative determination of Sebo's responsibility. Our Office will not review this determination where, as here, there is no showing that the agency acted fraudulently, or in bad faith. See Orkand Corporation; Falcon Research and Development Company, B-209662.2; B-209662.3, Apr. 4, 1983, 83-1 C.P.D. ¶ 349.

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